

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

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MAY 6 1997

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In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Fredonia, KY)

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MM Docket No. 97-66
RM-8997

To: John Karousos
Chief, Allocations Branch

Informal Objection

David Glass hereby objects to the proposed allotment of
channel 221A at Fredonia, KY. ^{1/}

The allotment should not be made because there is absolutely
no available site at which to locate an antenna for the proposed
FM facility. See Sworn Statement, attached hereto.

Respectfully submitted,

Robert Thompson

Robert Lewis Thompson
TAYLOR THIEMANN & AITKEN, L.C.
908 King Street, Suite 300
Alexandria, VA 22314
(703) 836-9400

Counsel for David Glass

May 6, 1997

^{1/} Although Mr. Glass's lengthy research precluded his
filing of this Objection by the Comment deadline set by the NPRM,
it is filed less than one month following that deadline, less
than two weeks after the Reply Comment deadline and, in any
event, is proper pursuant to 47 CFR 73.3587. See also 47 USC
154(j).

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SWORN STATEMENT

David Glass, being duly sworn, does state under penalty of perjury:

1. My name is David Glass and I am president of the licensee of radio stations WAVJ (FM) and WPKY, Princeton, KY.

2. I became aware within the last few weeks of a proposal of Joe Myers Productions, Inc. for a new FM station, on channel 221A, at Fredonia, KY.


3. When my consulting engineer and I studied the proposal, I immediately questioned whether there was ANY realistic possibility that ANY site for the proposed station would be available, should the FCC allot the channel.

4. I then had my consulting engineer, Lawrence Morton, P.E., prepare a map with a "permissible area to locate" the proposed channel.

5. I then hired a licensed Kentucky land surveyor, William Ralph Paris, to determine the record owners of the property within the permissible area to locate and to identify them on the map that Mr. Morton had prepared. See Attachment 1. I then asked Mr. Paris to prepare a statement regarding his work. See Attachment 2.

6. I then obtained signed statements from the three landowners who own all of the land within the permissible area to locate and each of them has stated in writing that they would not permit a tower to be erected on their property under any circumstances. See Attachments 3, 4, and 5.

7. Because no property owner within the area to locate even would consider permitting the erection of a tower on his property, the allotment of the proposed channel would be an exercise in futility. Executed on May 2, 1997.



David Glass

Attachment 1

SCALE is approximately 2,000 feet per inch.



Alexander Creek
Haw Bluff

Lone Star School

Medical Spring

Rushing Cemetery

Hill Cemetery

Livingston Creek

PERMISSIBLE AREA TO LOCATE

Woodall Bluff

PARIS

ARNOLD

West Fork Donaldson Creek

Cruce Branch

Stegor Bluff

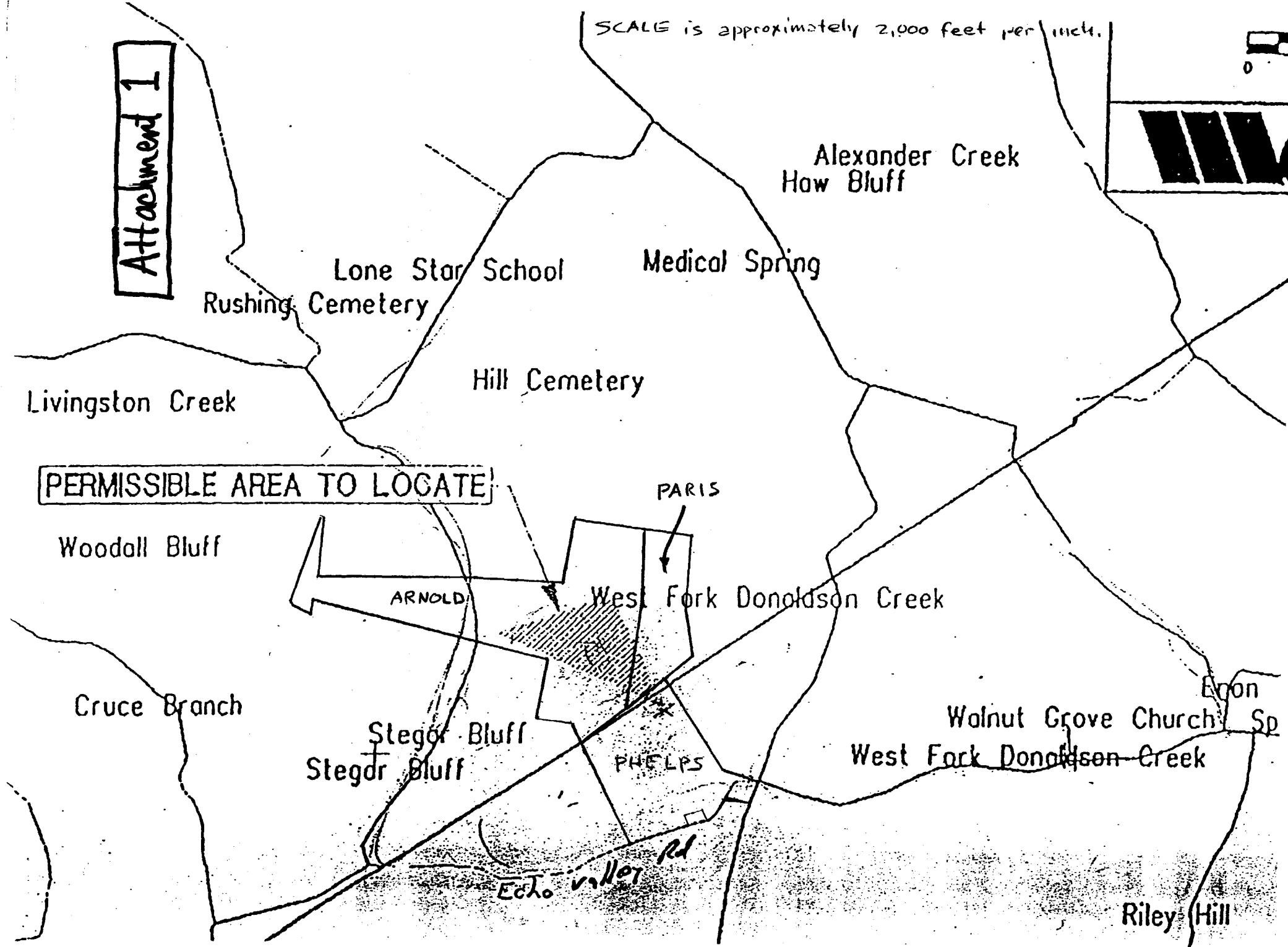
Stegor Bluff

PHELPS

Walnut Grove Church Sp
West Fork Donaldson Creek

Echo Valley Rd

Riley Hill



23 April 1997

Attachment 2

David Glass

P. O. Box 381

Princeton, KY 42445

Reference: Map entitled FIGURE 3, PERMISSIBLE AREA TO LOCATE FM CHANNEL
221A, FREDONIA, KENTUCKY

As directed by you, I have determined the record owners of the lands within the "permissible area to locate" shown on the above-referenced map. They are:

Michael Andrew Arnold & Lori Myers Arnold by virtue of a deed from Aubrey and Donna Belt dated 7 December 1995 of record in Deed Book 173, page 142, Crittenden County Clerk's Office;

Pansy Paris by virtue of a deed to Ralph Paris and his wife Pansy T. Paris, jointly, by Jewell & Ruth Belt dated 21 July 1951 of record in Deed Book 80, page 543, Crittenden County Clerk's Office. Ralph Paris is deceased and his heirs are Pansy Paris, Wm. Ralph Paris & Dietra Paris;

Barry Phelps by virtue of a deed to Barry M. Phelps and George Ann Phelps, his wife, by Homer W. & Lois M. Bell dated 27 November 1979 of record in Deed book 150, page 39, Caldwell County Clerk's Office. I only have a copy of the first page of the deed in my office. The second page may indicate whether their ownership is jointly or in survivorship. George Ann Phelps died last year and I don't have any evidence at hand concerning her estate.

Attached is a detail of the above-referenced map, upon which I have drawn the boundaries of Arnold, Paris & Phelps. Other land of Arnold adjoins the captioned Arnold land on the southwest near the shaded area. Other lands of Paris adjoin the captioned Paris & Phelps lands on the east.

If you have questions, please call or write.

Respectfully submitted,

Wm Ralph Paris

Attachment 3

To Whom it May Concern

I am Barry Phelps and I live in Caldwell County, Kentucky next to the Caldwell County and Crittenden County property line near Walnut Grove Church. I am aware that the property on which I live and own is included in the area being considered for a proposed radio channel allotment by the Federal Communications Commission. I wish to inform anyone concerned with this proposed allotment that I would not allow, under any circumstances, a radio tower to be located on my property. I feel this would decrease the value of my property and I hope that a tower cannot be located anywhere near my property.

Sincerely,

Barry Phelps

Attachment 4

To Whom it May Concern:

My name is Andrew Arnold and I am a resident of Caldwell County, Kentucky. I own property located near the Caldwell County, Kentucky and Crittenden County, Kentucky line close to Walnut Grove Church. I understand that my property is included in the area that is being considered by the Federal Communications Commission for a proposed radio channel allotment. This letter is to inform anyone concerned in this matter that under no circumstances would I allow a radio tower, or any tower for that matter, to be constructed or located on my property. I would also dislike seeing a tower located anywhere near my property.

Sincerely,

Andrew Arnold

Attachment 5

To Whom it May Concern:

My name is Pansy Paris and I am a resident of Caldwell County, Kentucky. I own property located near the Caldwell County, Kentucky and Crittenden County, Kentucky line close to Walnut Grove Church. I understand that my property is included in the area that is being considered by the Federal Communications Commission for a proposed radio channel allotment. This letter is to inform anyone concerned in this matter that under no circumstances would I allow a radio tower, or any tower for that matter, to be constructed or located on my property. I would also dislike seeing a tower located anywhere near my property.

Sincerely,

Pansy Paris

CERTIFICATE OF SERVICE

I, Grace Ibanez, do certify that on May 6, 1997, I served copies of the foregoing "Informal Objection" on the following counsel by first class mail:

John F. Garziglia, Esq.
Pepper & Corazzini, LLC
1776 K Street, NW # 200
Washington, DC. 20006



Grace Ibanez